



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

YACCARINO III

Serial No.: 09/503,166

Filed: February 14, 2000

For: COMPOUND BONE STRUCTURE
OF ALLOGRAFT TISSUE WITH
THREADED FASTENERS

EXAMINER PHAN

Group Art Unit 3738

#5
Election
S. Byer
11/27/01

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

ELECTION UNDER 35 USC 121

Responsive to the Office Action of October 9, 2001, applicant responds as follows:

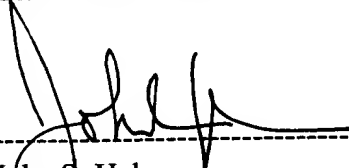
REMARKS

Applicant respectfully traverses the Examiner's restriction requirement and election. However, for purposes of responding to this action and to obtain examination, Applicant provisionally elects the invention designated by the Examiner as Group I, Species 3 represented by Figures 10-12. Applicant provisionally elects a single species, Species 4 represented by Figure 10. if no generic claim is finally held to be allowable. A listing of the claims readable thereon are claims 1-12 and 29 -32. A Preliminary Amendment accompanies this election

Prompt examination is respectfully requested.

Respectfully submitted,

GIPPLE & HALE


John S. Hale
Registration No. 25,209

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Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Preliminary to examination please amend the claims of the above identified application as follows:

IN THE CLAIMS

Please amend Claim 1 as follows: